

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO JAVIER FRANCO,

Defendant.

2:09-CR-508-KJD (LRL)

AMENDED PRELIMINARY ORDER OF FORFEITURE

This Court finds that on September 14, 2010, defendant FRANCISCO JAVIER FRANCO pled guilty to Count Two of a Three-Count Criminal Indictment charging him with Brandishing a Firearm During a Crime of Violence in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii).

This Court finds defendant FRANCISCO JAVIER FRANCO agreed to the forfeiture of property set forth in Forfeiture Allegation of the Criminal Indictment.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Criminal Indictment and the offense to which defendant FRANCISCO JAVIER FRANCO pled guilty.

The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c):

- (a) Smith and Wesson Model, .357 revolver, serial number AUN6660; and
- (b) any and all ammunition.

1 This Court finds the United States of America is now entitled to, and should, reduce the
2 aforementioned property to the possession of the United States of America.

3 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
4 United States of America should seize the aforementioned property.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
6 FRANCISCO JAVIER FRANCO in the aforementioned property is forfeited and is vested in the
7 United States of America and shall be safely held by the United States of America until further order
8 of the Court.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
10 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
11 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state
12 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state
13 the name and contact information for the government attorney to be served with the petition, pursuant
14 to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
16 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
18 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
19 following address at the time of filing:

20 MICHAEL A. HUMPHREYS
21 Assistant United States Attorney
22 DANIEL D. HOLLINGSWORTH
23 Assistant United States Attorney
24 Lloyd D. George United States Courthouse
25 333 Las Vegas Boulevard South, Suite 5000
26 Las Vegas, Nevada 89101.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
2 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
3 following publication of notice of seizure and intent to administratively forfeit the above-described
4 property.

5 DATED this 20 day of September, 2010.

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9 UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

I, Alexandra M. McWhorter, certify that the following individuals were served with copies of the Amended Preliminary Order of Forfeiture on September 15, 2010 by the below identified method of service:

E-mail/ECF

Raquel Lazo
Federal Public Defender
411 E. Bonneville Ave.
Las Vegas, NV 89101
Email: ECF_Vegas@FD.ORG

/s/AlexandraMMcWhorter
ALEXANDRA M. MCWHORTER
Forfeiture Support Associate Paralegal